

Serial No. 09/997,023  
Docket No.: 00793-034000

Listing of Claims:

1. (Previously Presented) A sample collection device for assay comprising:  
a holding portion having a first end and a second end;  
a retaining portion coupled to the holding portion second end and selectively configurable between at least an extended size and a contracted size; and  
an expandable collector member disposed on the retaining portion and having a first collection size when the collector member has a first amount of the sample and a second collection size when the collector member has a second amount of the sample, the first collection size being less than the second collection size;  
wherein a sufficient sample is collected for assay when the collector member second collection size is substantially equal to the retaining portion extended size;
2. (Original) The sample collection device for assay of claim 1, wherein the retaining portion includes a blocking portion defining a sample retaining size of the retaining portion and preventing movement of the retaining portion to a size that is less than the sample retaining size, the sample retaining size being formed when the blocking portion engages with the holding portion second end.
3. (Original) The sample collection device for assay of claim 1, wherein the retaining portion includes a discharge member spaced from the holding portion second end, the collector member being disposed between the discharge member and the holding portion second end, wherein when the retaining portion is moved from the extended size to the sample retaining size, a portion of the sample in the retaining portion suitable for assay is discharged from the collector member.
4. (Original) The sample collection device for assay of claim 3, wherein the collector member is made from a fluid absorbing material and the sample is discharged from the collector member by squeezing the collector member between the discharge member and the holding portion second end.
5. (Original) The sample collection device for assay of claim 2, wherein the collector member contains a third amount of sample when the collector member size is substantially equal to the sample retaining size, and  
wherein the second amount of sample is usable for a primary assay and the third amount of sample is usable for a secondary assay.

Serial No. 09/997,023  
Docket No.: 010793-034000

6. (Original) The sample collection device for assay of claim 2, wherein the retaining portion includes an elongate member, the blocking portion includes a raised portion formed on the elongate member, and the holding portion second end includes a wall sized to engage with the raised portion when the retaining portion is moved from one of the extended size and the contracted size to the sample retaining size.

7. (Original) The sample collection device for assay of claim 1, wherein the holding portion includes a housing defining an opening for slidably receiving the retaining portion so as to permit the retaining portion to be selectively movable between at least one of the extended size and the contracted size.

8. (Original) The sample collection device for assay of claim 1, wherein the retaining portion includes a discharge member spaced from the holding portion second end, the collector member being disposed between the discharge member and the holding portion second end, wherein when the retaining portion is moved from the extended size to the contracted size, a sample portion sufficient for assay is discharged from the discharge member.

9. (Original) The sample collection device for assay of claim 1, wherein the retaining portion is made from a fluid absorbing material and the sample portion is discharged from the discharge member by squeezing the collector member between the discharge member and the holding portion second end.

10. (Original) The sample collection device for assay of claim 1, wherein the retaining portion includes a wall spaced at a first length from the holding portion second end when the retaining portion is in the expanded size and the wall is spaced at a second length from the holding portion second end when the retaining portion is in the contracted size.

11. (Original) The sample collector device for assay of claim 10, wherein the retaining portion is an elongate member having a proximal end adjacent the holding portion second end and a perforated disc-like piece formed at a distal end, the perforated disc-like piece comprising the wall, and

wherein the collector member is made from a fluid absorbing material that is movable along the elongate member when the collector member has the first collection size.

12. (Original) The sample collector device for assay of claim 1, wherein the collector member has a first length when the collector member has the first collection size, the collector member has a second length when the collector member has the second collection size, and the retaining portion describes an extended length when the retaining portion has the extended size,

Serial No. 09/997,023  
Docket No.: 020793-034000

wherein a sufficient sample is collected for assay when the second length is substantially equal to the extended length.

13. (Original) The sample collector device for assay of claim 1, wherein the collector member size is reduced from the second collection size to the first collection size when the retaining portion is configured from the extended size to the contracted size.

14. (Original) A test device in combination with the sample collector device for assay of claim 1, the test device being adapted to connect with the sample collection device and including a tester to assay for analytes in the sample, the test device including an opening sized to receive the holding portion,

a discharge surface adapted to engage with the retaining portion, wherein the collector member second collection size is substantially equal to the retaining portion extended size before engaging the retaining portion with the discharge surface, and the sample collector is in fluid communication with the tester and the retaining portion is configured in the contracted size when the retaining portion is engaged with the discharge surface.

15. (Original) The test device in combination with the sample collector device for assay of claim 14, wherein the holding portion second end includes an engagement surface and the test device includes a mating surface adapted to engage with the engagement surface, wherein the holding portion is fixed to the test device when the engagement surface engages with the mating surface.

16. (Original) The test device in combination with the sample collector device for assay of claim 15, wherein the mating surface engages with the engagement surface by elastic deformation of at least one of the mating surface and the engagement surface.

17. (Original) The test device in combination with the sample collector device for assay of claim 15, wherein the holding portion is fixed to the test device by a friction fit between the engagement and mating surfaces.

18. (Original) The test device in combination with the sample collector device for assay of claim 15, wherein the collector member second collection size is substantially equal to the retaining portion extended size when the mating surface engages with the engagement surface.

19. (Original) The test device in combination with the sample collector device for assay of claim 15, wherein the holding portion includes a second engagement surface and the test device includes a second mating surface adapted to engage with the second engagement surface, wherein when the second engagement surface is in contact with the second mating surface, the discharge surface engages with the retaining portion.

Serial No. 09/997,023  
Docket No.: C:0793-034000

20. (Original) The test device in combination with the sample collector device for assay of claim 14, wherein the tester is a lateral flowstrip in fluid communication with the collector member when the holding portion is fixed to the test device and the retaining portion is in the contracted size.

21. (Original) The test device in combination with the sample collector device for assay of claim 14, wherein the test device further includes an ampoule containing fluid and the ampoule is violated when the collector member is equal to the first collection size.

22. (Original) The test device in combination with the sample collector device for assay of claim 14, wherein the holding portion first end comprises a handle and the first end is removable from the second end.

23. (Original) The sample collection device for assay of claim 1, wherein the second amount of sample corresponds to an assay sample that is substantially contained in the collector member, the assay sample being transferable from the collector member to a test device for assay of the assay sample.

24. (Original) The sample collection device for assay of claim 1, wherein the second amount of sample includes a first assay sample and a second assay sample.

25. (Original) The test device in combination with the sample collector device for assay of claim 14, wherein the collector member has the first collection size when the sample collector is in fluid communication with the tester.

26. - 45 (Canceled)

46. (Original) A sample collection device for assay comprising:

a holding portion having a first end and a second end;

a retaining portion coupled to the holding portion second end and selectively configurable between at least an extended size and a sample retaining size, the sample retaining size being smaller than the extended size;

a blocking portion disposed on the retaining portion, the blocking portion being spaced from the holding portion second end when the retaining portion is configured in the extended size and the blocking portion being engaged with the holding portion second end when the retaining portion is configured in the sample retaining size, and

an expandable collector member disposed on the retaining portion and having a first collection size when the collector member has a first amount of sample and a second collection size when the collector member has a second amount of sample;

Serial No. 09/997,023  
Docket No.: 030793-034000

wherein the collector member has the second collection size when the blocking member is spaced from the holding portion second end and the collector member has the first collection size when the blocking member is engaged with the holding portion second end;

wherein the first amount of sample is sufficient for a first assay of sample and the second amount of sample is sufficient for a second assay of the sample.

47. (Original) The sample collection device for assay of claim 41, wherein the blocking portion is formed on the retaining portion.

48. (Original) The sample collection device for assay of claim 41, wherein the retaining portion includes a first part including the blocking portion and a second part that is smaller than the first part and wherein the second part is received within the holding portion when the retaining portion is configured from the extended size to the sample retaining size.

49. (Original) The sample collection device for assay of claim 46, the retaining portion further comprising

a first elongate portion having a first length and a first width dimension wherein the first length substantially corresponds to the sample retaining size, and

a second elongate portion having a second width dimension,

wherein the holding portion second end defines an opening sized for slidably receiving the retaining portion, the opening defining a width dimension that is smaller than the first width and greater than the second width.

50. (Original) The sample collection device for assay of claim 49, wherein the retaining portion is a cylinder and the first width corresponds to a first diameter of the cylinder and the second width corresponds to a second diameter of the cylinder.

51. (Original) The sample collection device for assay of claim 46, wherein when the collector member has a first collection size and the retaining portion is configured from the extended size to the sample retaining size, the collector member is configured from the second collection size to the first collection size and a sample sufficient for the first assay is expressed from the collector member.

52. (Original) The sample collector device for assay of claim 46, wherein the collector member is made from a fluid absorbing material and the retaining portion expresses fluid sufficient for assay of sample from the collector member when the retaining portion is configured from the extended size to the sample retaining size.

53. – 63. (Canceled)

64. (Original) A method for collecting a sample adequate for assay, comprising the steps of providing a sample collector for collecting sample, the sample collector having a

Serial No. 09/997,023  
Docket No.: 030793-034000

second size when a sufficient sample for assay is contained in the sample collector and a first size when an insufficient sample for assay is contained in the sample collector;

providing a collector holder, the collector holder including a sample area for indicating whether the sample collector has collected a sample sufficient for assay, the sample area defining a sample adequacy size;

disposing the sample collector within the sample area such that the entirety of the sample collector is contained within the sample area;

collecting a sample on the sample collector; and

comparing the size of the sample collector to the sample adequacy size and if the sample adequacy size is approximately equal to the second size then an adequate sample is collected for assay.

65. (Original) The method for collecting a sample adequate for assay of claim 64, the collector holder including a wall and a housing having a first end and a second end, the wall being spaced from the housing second end by a length corresponding approximately to a sample adequacy length and the first and second size of the sample collector corresponds to a first and second length of the sample collector, respectively,

wherein the disposing the sample collector within the sample area corresponds to disposing the sample collector between the housing second end and the wall, and

wherein the comparing step further includes comparing the length of the sample collector to the sample adequacy length and if the sample adequacy length is approximately equal to the second length then an adequate sample is collected for assay.

66. (Original) The method for collecting a sample adequate for assay of claim 64, wherein the sample area is configurable between a contracted area size and the sample adequacy size.

67. (Original) The method of claim 64, wherein the collector member is a sponge and the comparing the size of the sample collector to the sample adequacy size corresponds to comparing the sponge size to the sample adequacy size.

68. - 72. (Canceled)